

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 7-9 and 16-19 have been cancelled. The remaining claims have been amended to recite that the heating unit receiving electric power from an electricity storage device is a “second” heating unit, and the heating unit receiving electric power from a commercial power supply is a “first” heating unit, wherein the control unit changes a rated power of the second heating unit. New Claim 20 recites that the control unit is configured to change the number of heaters receiving electric power by selection of an ON/OFF state of one or more switches. New Claim 21 corresponds to Claim 1 but uses “means plus function” limitations. Basis for these amendments is evident from the specification and the following discussion.

According to a feature of the invention, a fusing apparatus, or an image forming apparatus including a fuser, includes a first heating unit which generates heat based on electric power supplied from a commercial power supply and a second heating unit which generates heat based on electric power supplied from an electricity storage device, wherein a control unit or means changes a rated power of the second heating unit. For example, according to the embodiment of Figures 4A and 4B, the heaters 11 and 12 of a second heating unit may be connected in parallel with a capacitor (electricity storage device) 18, or may be connected in series with the capacitor 18. The rated power of the heaters will therefore be different (e.g., 1700W or 430W; pp. 22-23) depending upon the form of connection, so that ON/OFF switching of the heaters need be performed less often for maintaining a desired fuser temperature. Alternatively, (Figure 5) the heater 11 may be selectively connected to the capacitor 18 by a switch 25. In either case, the rated power of the second heating unit or heating means which receives electric power from the electricity storage device can be changed to suit the required conditions, reducing the required frequency of ON/OFF switching of the heaters and prolonging the life of the switch.

All of the claims were rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent 6,542,705 (Fujita et al). However Applicants respectfully submit that the claims clearly define over this reference.

Fujita et al is directed to a fixing device that is capable of providing a required power from a commercial power supply and a capacitor. A main (commercial) power source 3 and an auxiliary power source (capacitor) 4 feed power to main and auxiliary heating elements 2a and 2b, respectively. A charger 6 can charge the auxiliary power source 4 with power fed from the main power source 3, and a controller 8 selectively ON/OFF controls power to be fed from the auxiliary power source 4 to the auxiliary heating element 2b under preselected conditions (col. 5, line 62 – col. 6, line 22).

In a stand-by state, a switch 7 connects the charger 6 to the auxiliary power source 4 in order to charge the power source 4. When a main switch 5 is turned on to operate the heating device 1, the main power source 3 feeds power to the main heating element 2a. At the same time, the controller 8 operates the switch 7 to cause the auxiliary power source 4 to feed power to the auxiliary heating element 2b. After a preselected period of time expires, the controller 8 disconnects the heating element 2b from the power source 4 via the switch 7, thereby protecting the heater 2 from overheating (col. 6, lines 22-48).

It may therefore be appreciated that Fujita et al lacks the claimed control unit or means that *changes a rated power* of a (second) heating unit which generates heat based on electric power supplied from an electricity storage device. The heating unit of Fujita et al that generates heat based on electric power supplied from an electricity storage device is the heating element 2b which generates heat based on electric power supplied from the auxiliary power source 4. Power to the heating element 2b is ON/OFF controlled via the switch 7, but the “rated power” of the heating element 2b is not changed thereby. Thus Fujita et al corresponds to the prior art discussed in the specification which controls the fuser

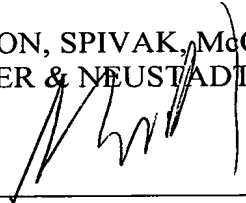
temperature by controlling ON/OFF switching of a heating element. Since the rated power of the heating element 2b cannot be changed, the ON/OFF switching of the heating element must be performed frequently which reduces the life of the switch.

In summary, the claims are not anticipated by Fujita et al since Fujita et al lacks the claimed control unit or means that changes a rated power of a (second) heating unit which generates heat based on electric power supplied from an electricity storage device. Additionally, the claims would not have been obvious from Fujita et al, which lacks a motivation to change a rated power of the heating unit 2b which generates heat based on electric power supplied from the electricity storage device 4. The claims therefore define over this reference.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Robert T. Pous
Registration No. 29,099
Attorneys of Record

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)